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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,599	01/22/2002	Rudi Junghans	A-3257	7136

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EXAMINER

HINZE, LEO T

ART UNIT PAPER NUMBER

2854

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/054,599

Applicant(s)

JUNGHANS ET AL.

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al., US 5,823,109.

Hummel teaches:

- an inking unit (5) for a printing machine, which is assigned to a printing form (2), comprising a first distributor roller (22) and a second distributor roller (20), said first

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distributor roller being in rolling contact simultaneously with two ink applicator rollers (10, 12), and being axially oscillatable (col. 2, line 33) and disposed more closely to the printing form than is the second distributor roller (claims 1 and 5);

- wherein said second distributor roller is disposed more closely to an ink duct than is said first distributor roller (Fig. 1) (claim 4);
- “inking rollers... additionally driven into axially oscillate in an appropriate manner generally known in the art” (col. 2, lines 32-34) by “an oscillating drive of the known type” (col. 4, lines 35-36);
- the ink distributor rollers closer to the plate cylinder being driven slower than the distributor rollers farther from the plate cylinder (col. 3, lines 30-34 and lines 53-54).

Hummel does not teach:

- said first distributor roller being axially oscillatable more slowly than the second distributor roller (claims 1 and 5);
- wherein said second distributor roller is axially oscillatable twice as quickly as said first distributor roller (claim 2);
- wherein said second distributor roller is axially oscillatable three times as quickly as said first distributor roller (claim 3).

Greiner teaches an inking unit with traversing rollers, including a mechanism for axially oscillating rollers (e.g. Fig. 2, 2a). This mechanism for axially oscillating rollers causes the axial oscillating frequency to be proportional to the rotational speed of the roller. Greiner teaches that this axial oscillating mechanism is compact and inexpensive, and ideally

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suited for retrofit in presses of existing design and even in presses already in the field (col. 5, lines 35-39).

Regarding claims 1, 4, and 5, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hummel to use the axial oscillating mechanism of Greiner as the "oscillating drive of the known type", because Greiner teaches that such an oscillating mechanism is compact and inexpensive, and ideally suited for retrofit in presses of existing design and even in presses already in the field. The addition of the Greiner axial oscillating mechanism, which oscillates rollers at an axial frequency proportional to the rotational speed, to the press of Hummel, which has distributing rollers rotating at different speeds, would result in an inking unit in which a first distributor roller is axially oscillatable and disposed more closely to the printing form than is the second distributor roller.

Further regarding claims 1 and 5, applicant should note that while a specific structure teaching a first distributor roller being axially oscillatable and disposed more closely to the printing form than is the second distributor roller is taught by the combination of Hummel and Greiner, the limitation "being axially oscillatable more slowly" in claim 1 of the instant application is merely a recitation of the intended use of said distributor rollers, and does not result in a structural difference between the claimed invention and any prior art which teaches distributor rollers which are axially oscillatable.

Regarding claims 2 and 3, the combination of Hummel and Greiner discloses all that is claimed, as discussed above. Further, it would have been obvious to one having ordinary skill

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in the art at the time of the invention was made to set the ratio between frequencies of oscillation at 1:2 or 1:3, as one having ordinary skill in the art would have discovered these optimal frequency ratios in the course of routine experimentation.

***Response to Arguments***

4. Applicant's arguments filed 19 June, 2003 have been fully considered but they are not persuasive.

5. With regard to the applicant's arguments against the rejection of claims 1-5 under 34 U.S.C. § 103(a), the examiner agrees that the oscillating mechanism of Greiner shown in Figs. 2 and 2a does not serve the purpose of axially driving the distributor rollers, but instead serves the purpose of axially driving the applicator rollers. However, this incorrect assertion by the examiner does not affect the prior art rejection based on the combination of Hummel and Greiner.

The examiner disagrees with the applicant's assertion that a person skilled in the art would assign the oscillating mechanism of Greiner to the applicator rollers of Hummel. One having ordinary skill in the art would apply the oscillating mechanism of Greiner to Hummel broadly, as an acceptable oscillating mechanism for the distributor rollers of Hummer that fulfills the requirement for "an oscillating drive of the known type." The combination of the Greiner oscillating mechanism with Hummel teaches all that is claimed, as discussed in the above rejections.

Applying further teachings of Greiner is unnecessary. Therefore, the applicant's assertions that Greiner would actually lead a person skilled in the art away from the object of

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the invention of the instant application, as set forth on page 4, are incorrect, and the associated arguments are moot, as the combination of Hummel and Greiner does not rely on the additional teachings of Greiner discussed by the applicant.

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

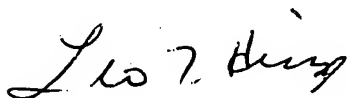
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.



Leo T. Hinze  
Patent Examiner  
AU 2854  
13 August, 2003



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